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09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095
7590 Joseph A. Sawyer, Jr. Sawyer Law Group LLP P.O. Box 51418 Palo Alto, CA 94303				
EXAMINER THAI, HANH B				
ART UNIT		PAPER NUMBER		
2163				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/733,429

**Applicant(s)**

BAIR, KEVIN D.

**Examiner**

HANH B. THAI

**Art Unit**

2163

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed 6/23/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49 and 52-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49 and 52-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is Final Office Action in response to amendment filed June 23, 2008. Claims 1-48, 50-51 and 60-81 have been cancelled. Claims 49, 52-59 are pending in this application.

#### ***Response to Arguments***

2. Applicant's arguments regarding "receiving from a first computer system a request to process a query at a second computer system, the request to process the query comprising data and metadata and a request to perform an operation on the data and metadata at the second computer system" have been fully considered but they are not persuasive.

Draaijer clearly discloses receiving from a first computer system ("client 200", Fig.2A) a request to process a query at a second computer system ("local server process 202", Fig.2A), the request to process the query comprising data and a request to perform an operation on data and metadata at the second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22, Draaijer). Draaijer, however, does not explicitly disclose wherein the request to process the query comprising metadata.

In the related art, Shah discloses at column 2, lines 40-49 the claimed limitation. Specifically, Shad discloses the metric query from client 135 to server 120. The metric query must inherently include the metadata because based on the metric query somehow the data and tables are measuring in response to the metric query (see col. 11, lines 53-59, Shad).

Therefore, the combination of Draaijer and Shah discloses the invention as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 49, 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draaijer et al. (US 5,987,463) of record in view of Shah et al. (US 6,662,174 B2).

Regarding claim 49, Draaijer discloses a method for processing a query, the method comprising:

- receiving from a first computer system ("client 200", Fig.2A) a request to process a query at a second computer system ("local server process 202", Fig.2A), the request to process the query comprising data and metadata and a request to perform an operation on data and metadata at the second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22, Draaijer. The claimed "data and metadata" corresponding to "data dictionary");
- the second computer system processing the query including performing the operation on the data and the metadata to generate a result for the query (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67, Draaijer);
- the second computer system returning the result of the query to the first computer system (Fig.2A; abstract and col.13, lines 9-25, Draaijer).

Draaijer, however, does not explicitly disclose utilizing data and metadata not having been store on the second computer system prior to the second computer system receiving the request to process the query. Shah discloses a method for determining database

queries to be sent by an analytical server to a relational database monitoring system including utilizing metadata structures “data and metadata” which is not stored in the analytic server “second system” (see Fid.1, col.2, lines 40-49, Shah) to process a query requested from clients “first system”. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Draaijer to derive the invention as claimed. The motivation of doing so would have been to improve data efficiency and reliable network for information transfer with enhanced performance (col.1, lines 39-42, Shah).

Regarding claim 52, Draaijer/Shah combination discloses wherein the query includes a pointer to the data and the metadata required to process the query (Fig.3A-B and col.11, lines 1-14, Draaijer discloses a link corresponding to “a pointer”).

Regarding claim 53, Draaijer/Shah combination discloses wherein the data and the metadata required to process the query are stored on a third computer system (300, Fig.3A-B, Draaijer) separate from the second computer system; and the pointer points to the data and the metadata stored on the third computer system (Fig.3A-B and col.11, lines 1-14, Draaijer).

Regarding claim 54, Draaijer/Shah combination discloses wherein the second computer system is in communication with the first computer system through a network (network connection 310, Fig.3A-B and col.13, lines 1-8, Draaijer).

Regarding claim 55, Draaijer/Shah combination discloses wherein the network comprises the internet (col.5, lines 47-67, Draaijer).

Regarding claim 56, Draaijer/Shah combination discloses wherein the second computer system receives the request to process the query from the first computer system in accordance

with a first internet protocol; and the second computer system processes the query in accordance with a second Internet protocol (col.5, lines 47-67 and col.13, lines 1-8, Draaijer).

Regarding claim 57, Draaijer/Shah combination discloses wherein the first computer system comprises a client machine and the second computer system comprises a server machine (Fig.3A-B and corresponding text, Draaijer).

Regarding claim 58, Draaijer/Shah combination discloses wherein the metadata comprises information about objects (col.9, lines 30-40, Draaijer).

Regarding claim 59, Draaijer/Shah combination discloses wherein the objects comprise one or more objects selected from the group consisting of tables, triggers and indexes (col.9, lines 27-44, Draaijer discloses SQL services module that must include objects selected from the group consisting of tables, triggers and indexes).

#### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH B. THAI whose telephone number is (571)272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai  
Examiner  
Art Unit 2163

August 25, 2008

/don wong/

Supervisory Patent Examiner, Art Unit 2163